

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STEPHEN McCULLOM, *et al.*,
Plaintiffs,

v.

BRAD LIVINGSTON, *et al.*,
Defendants.

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CIVIL ACTION NO. 3:12-CV-02037

**DEFENDANTS' AMENDED UNOPPOSED MOTION FOR
EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S MOTION FOR SANCTIONS,
REQUEST FOR SHOW CAUSE ORDER AND MOTION TO COMPEL
(CHANGES EXTENSION DATE FROM JUNE 6, 2014 TO MAY 30, 2014 ONLY)**

Defendants' were served with a motion to compel on May 12, 2014. On May 14 the magistrate shortened the response time and ordered defendants to file their replies to the various motions by Tuesday June 2, 2014. For the following reasons, Defendants now file this UNOPPOSED motion for a three day extension of time to prepare and file their responses.

Plaintiff's motion was filed on Monday May 12, 2014, while undersigned Counsel for Defendants TDCJ, Eason, Pringle, Sanders, Clark and Tate was on vacation out of state. Counsel for defendants returned to the office on Tuesday the 20th reviewed the motion and immediately began gathering information for his response. Undersigned counsel was representing TDCJ and Livingston at the time the initial discovery responses were answered.¹ As a result of his involvement, no other attorney on the suit could have begun the response. While in the process of drafting the response, Counsel determined that there *is* merit to some of the allegations raised by Plaintiffs Motion. As soon as counsel identified the issues, he contacted opposing counsel, requested the extension, and began responding to the motion on the merits. Defendants agree with the Court about the seriousness of the issues and do not seek this

¹ Undersigned no longer represents Brad Livingston, but continues to represent the Texas Department of Criminal Justice.

short extension lightly, but so that a proper response may be filed.

Plaintiffs are unopposed to the granting of this motion and defense counsel has been working with them to attempt to resolve at least some of the issues currently before the Court. Defendants' are not seeking to delay the proceedings and only seek a short three-day extension of time, or until Friday, May 30, 2014, to file their response.

Respectfully submitted,

GREG ABBOTT

Attorney General of Texas

DANIEL T. HODGE

First Assistant Attorney General

DAVID C. MATTAX

Deputy Attorney General for Defense Litigation

KAREN D. MATLOCK

Assistant Attorney General

Chief, Law Enforcement Defense Division

/s/Bruce R. Garcia

BRUCE R. GARCIA

Assistant Attorney General

Attorney in Charge

State Bar No. 07631060

P.O. Box 12548, Capitol Station

Austin, Texas 78711

(512) 463-2080 / Fax (512) 495-9139

ATTORNEYS FOR DEFENDANTS

TEXAS DEPARTMENT OF CRIMINAL

JUSTICE, ROBERT EASON, JEFF

PRINGLE, SANDREA SANDERS, KAREN

TATE AND RICHARD CLARK

CERTIFICATE OF CONFERENCE

I spoke with Jeff Edwards and he is unopposed to the granting of this motion. In addition, I have spoken with all co-defendants counsel and they are unopposed to the granting of this motion.

/s/Bruce R. Garcia
BRUCE R. GARCIA
Assistant Attorney General

NOTICE OF ELECTRONIC FILING

I, **BRUCE R. GARCIA**, Assistant General of Texas, do hereby certify that I have electronically submitted for filing, a true and correct copy of the above in accordance with the Electronic Case Files System of the Northern District of Texas, on this the 22nd day of May, 2014.

/s/ Bruce R. Garcia
BRUCE R. GARCIA
Assistant Attorney General

CERTIFICATE OF SERVICE

On May 22, 2014, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal rule of Civil Procedure 5 (b)(2).

/s/Bruce R. Garcia
BRUCE R. GARCIA
Assistant Attorney General